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November 25, 2024

Via ECF

Honorable Judge Kenneth M. Karas
Federal Building and
United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: *Santander Consumer USA, Inc., v. The City of Yonkers, et al.*
Case No. 7:22-cv-08870-KMK

Dear Judge Karas:

We represent Santander Consumer USA, Inc. (“Santander”), the plaintiff in the above-referenced case against defendants The City of Yonkers (“Yonkers”), A.P.O.W. Towing, LLC (“APOW”), and Yonkers Towing and Recovery LLC (“YTR” and, together with Santander, Yonkers and APOW, the “Parties”). We write pursuant to Your Honor’s recent Minute Entry for the Status Conference held on November 20, 2024, directing the Parties to submit a joint letter regarding the issue of vehicle valuation.

Yonkers and YTR, without waiver of any objections or appeals, and without any admission of liability, stipulates, together with Santander, that the value of the subject vehicle is \$22,000.

We are available to provide such other information as the Court may require and thank Your Honor for your attention to this matter.

Respectfully,

Norris McLaughlin, P.A.

By:

A handwritten signature in blue ink, appearing to read 'Nicholas Duston'.

Nicholas Duston

cc (via ECF): All Parties of Record

The Court notes that Santander seeks compensatory, consequential, and nominal damages from Defendants, jointly and severally, and attorneys' fees. (Am. Compl. (Dkt. No. 59) at 21.) Additionally, in its Motion for Summary Judgment, Santander argued that "recoverable compensation for damages includes interest" and asks the Court to calculate prejudgment interest on the Vehicle's value from June 16, 2021, to the present. (Dkt. No. 981 at 34.)

Accordingly, the Court invites Santander to move for damages by separate motion. *See HVT, Inc. v. Port Auth. of New York and New Jersey*, No. 15-CV-5867, 2018 WL 3134414, at *15 (E.D.N.Y. Feb. 15, 2018), report and recommendation adopted, 2018 WL 1409821 (E.D.N.Y. Mar. 21, 2018). Santander's opening brief is due by no later than December 20, 2024. Defendants' opposition brief is due by no later than January 3, 2025. Santander's reply brief is due by no later than January 10, 2025.

SO ORDERED.



12/5/2024